

CITY OF TIGARD, OREGON

ORDINANCE NO. 02- 08

AN ORDINANCE REPEALING CHAPTER 2.20 ("JURY TRIAL") OF THE TIGARD MUNICIPAL CODE

WHEREAS, Chapter 2.20 of the Tigard Municipal Code provides for jury trial in cases where imprisonment may be imposed and establishes the procedures for summoning and reimbursing jurors; and

WHEREAS, staff review has shown that the same mandatory rights and procedures are prescribed in Chapters 10 and 221 of the Oregon Revised Statutes; and

WHEREAS, repeal of this section makes it unnecessary to revise the Code as the legislature amends the Oregon statutes that govern the right to trial by jury, jury selection and juror compensation.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 2.20 of the Tigard Municipal Code (Exhibit A) is hereby repealed in its entirety.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 12th day of February, 2002.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 12th day of February, 2002.

James E. Griffith
James E. Griffith, Mayor

Approved as to form:

James H. V. Krum
City Attorney

February 12, 2002
Date

TIGARD MUNICIPAL CODE

EXHIBIT A

Chapter 2.20 JURY TRIAL*.

Sections:

- 2.20.010 Defendant's Right To Jury Trial.**
- 2.20.020 Preparation Of Jury List.**
- 2.20.030 Selection Of Jury From Jury List.**
- 2.20.040 Compensation For Jurors.**
- 2.20.050 State Statutes To Govern.**

- 2.20.010 Defendant's Right To Jury Trial.**

In all prosecutions for any crime or offense defined and made punishable by the Charter or City ordinances, the defendant shall be tried and determined without the intervention of a jury, except in cases where imprisonment may be imposed. Either party in a criminal action may demand a jury where one is allowed, but such demand, to be effective, must be made, or postmarked, fifteen calendar days after the entry of a plea of "Not Guilty" to the charge or fifteen calendar days prior to the commencement of trial, whichever is sooner.

A jury trial in the Municipal Court shall consist of six persons, sworn to try and determine the question or questions of fact, selected and drawn as provided in this code. The terms of Municipal Court shall be for a period of six months, beginning on January 1st and July 1st of each year. (Ord. 85-26 §1(part), 1985).

2.20.020 Preparation Of Jury List.

As of the first Monday of January and July each year, the City Recorder or Court Clerk shall select not less than fifty names of persons from either the latest tax roll or registration books used in the last City election, in the same manner as juries are selected for circuit courts pursuant to ORS Sections 221.349 and 10.110--10.480. If for

any reason the preparation of the preliminary jury list is omitted or neglected on the first Monday in January or July of each year, it may be prepared on Monday of any week following, to serve until the end of the term and until another list is prepared. The jury list shall contain the first name and surname, and place of residence of each person named therein, and the list prepared shall be certified by the City Recorder and maintained on file in the Court's office.

No person shall be required to serve more than one term during any calendar year. (Ord. 85-26 §1(part), 1985).

2.20.030 Selection Of Jury From Jury List.

When a jury is demanded in the Municipal Court of the City of Tigard, the jury must be drawn and selected from the jury list. The Municipal Judge or the City Recorder must draw from the jury box, in the presence of the Municipal Court Clerk twelve ballots, or any greater number if necessary, until the names of twelve persons who are deemed able to attend at the time and place required are obtained. The Municipal Judge or City Recorder must make and file the list of the twelve names thus drawn.

If it appears to the Municipal Judge or the City Recorder that a person whose name is drawn is dead or has removed from the City, the ballot must be destroyed. If it appears to the Municipal Judge or Recorder, or if he has good reason to believe, that a person whose name is drawn is temporarily absent from the City or is unwell or so engaged as to be unable to attend at the time and place required without great inconvenience, the ballot must be laid aside without the name thereon being entered on the list drawn, and returned to the box when the drawing is completed. A person whose name is drawn is deemed able to attend and his name is deemed to be entered on the list except as otherwise herein

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EXHIBIT A

provided.

The names of the twelve jurors so selected must be inserted in the "order to summon a jury," together with the names of the parties, date, time and place at which the trial is to be held, and the order shall require the jurors to appear at that date, time and place. The order shall be signed by the Municipal Judge or the City Recorder and a copy thereof directed to the Chief of Police or to any policeman authorized to act in his behalf, commanding him to summon the persons in accordance with the order, and he shall make his return of service to the Court at its opening.

The Court may impose a fine not exceeding twenty dollars upon a juror who without reasonable cause neglects to attend the Court session to which summoned. (Ord. 85-26 §1 (part), 1985).

2.20.040 Compensation For Jurors.

Each juror sworn as a member of a trial panel in the Municipal Court, shall be entitled to a fee of ten dollars for each day or fraction thereof. (Ord. 85-26 §1(part), 1985).

2.20.050 State Statutes To Govern.

(a) To the extent not herein specifically provided, all proceedings with respect to selection of juries, swearing of juries, and trial by jury in Municipal Court, shall be governed by the applicable general laws of the state of Oregon governing Justice of the Peace and justice courts.

(b) All rules of evidence as provided pursuant to state statutes shall be followed in all jury trials in the Municipal Court. (Ord. 85-26 §1(part), 1985).

* For statutory provisions giving procedure for trial by jury, see ORS 221.349.■